

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----x

UNITED STATES OF AMERICA : **07CRIM 865**

-v- : INFORMATION

RAFAEL MARTINEZ, : 07 Cr. _____ (PKC)
Defendant. :
-----x

COUNT ONE

The United States Attorney charges:

1. From at least in on or about September 2004, up to and including May 20, 2007, in the Southern District of New York and elsewhere, RAFAEL MARTINEZ, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RAFAEL MARTINEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others,

was committed in the Southern District of New York:

a. In or about April 2005, in Manhattan, New York, RAFAEL MARTINEZ, the defendant, possessed approximately 3 kilograms of mixtures and substances containing a detectable amount of heroin.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the foregoing controlled substance offense alleged in Count One of this Information, RAFAEL MARTINEZ, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property, real and personal, that constitutes or is derived, directly or indirectly, as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;
- (iii) has been placed beyond the jurisdiction of the court;

(iv) has been substantially diminished in value;

or

(v) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

RAFAEL MARTINEZ,

Defendant.

INFORMATION

07 Cr. _____ (PKC)

(Title 21, United States Code, Sections
846 and 853.)

MICHAEL J. GARCIA
United States Attorney.

Wawa or budi filed

MD/Housler

9/11/07
Sas